REMARKS

This Amendment is submitted in response to the Office Action mailed on May 30, 2003. Claim 1 has been amended, and claims 6-13 have been canceled without prejudice or disclaimer. Claims 1-5 remain in the present application. In view of the foregoing amendments, as well as the following remarks, Applicants respectfully submit that this application is in complete condition for allowance and request reconsideration of the application in this regard.

Amendments to the specification have been made to correct clear typographical errors. No new matter is added by these amendments.

Applicants have amended independent claim 1 to overcome the objections to claims 4, 5, 8, 9, 12 and 13 as failing to contain proper antecedent basis and respectfully request that the objections be withdrawn.

Claims 10-13 stand rejected under 35 U.S.C. § 112, first paragraph, for enablement and 35 U.S.C. § 112, second paragraph, for indefiniteness. While Applicants respectfully traverse these rejections, Applicants have canceled claims 10-13 so that these rejections are now moot.

Claims 1-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nantel et al., U.S. Publication No. 2001/0052986 in view of Dam, U.S. Patent No. 5,880,364. Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Nantel et al. in view of Tyberg et al., U.S. Patent No. 6,270,726. Lastly, claims 7, 8 and 9 stand rejected under 35 U.S.C.

§ 103(a) as being unpatentable over Nantel et al. in view of Tyberg et al. and further in view of Dam. While Applicants respectfully traverse these rejections, Applicants have amended independent claim 1 to more sharply define the present invention over the prior art of record and respectfully request that the rejections of pending claims 1-5 be withdrawn.

In particular, Applicants have amended independent claim 1 to recite a method for checking the content of pockets in a blister package that are filled with a powdery, solid, liquid or pasteous substance. The recited method comprises the steps of detecting a filled volume of the substance by means of at least one sensor formed as a capacitive test probe, which measures the induced dipol moment in any given volume of material by means of a high frequency alternating field, supplying the detected volume value to an evaluation unit and comparing the detected volume value with a volume target value by means of the evaluation unit. Applicants respectfully submit that the combination of method steps recited in amended independent claim 1 is not taught or suggested by the prior art of record and request that the rejection be withdrawn.

In particular, the primary Nantel et al. reference is directed to a system and method for measuring the mass of a metered substance using a variety of energy forms applied to the substance to measure its mass. The mass of the substance is measured either in a metering chamber or the mass of the metered substance may be measured as it travels through air toward a receptacle after being

ejected from the metering chamber. Applicants respectfully submit Nantel et al. is completely silent with respect to measuring a volume of a substance within a blister package as claimed by Applicants and the rejections must fail.

In particular, with respect to the rejections of claims 1-5 as being unpatentable over Nantel et al. in view of Dam, Applicants respectfully submit that Nantel et al. fails to disclose a blister package filling method that includes the step of filling a blister package with a predetermined volume as asserted by Examiner. Rather, the system and method of Nantel et al. is directed to measuring the mass of the substance prior to that substance reaching its intended container.

Moreover, Dam is directed to a non-contact ultrasonic system for measuring the volume of liquid in a container in which an ultrasonic sensor is disposed opposite of the top of the container. With this sensor, the distance between the sensor and the surface of the liquid can be determined resulting in the calculation of the depth of the liquid in the tubular container and, presuming that the characteristics of the tube are known, calculation of the filled volume. However, this method cannot be used for solid or powdery substances and can further not be used when the shape and/or diameter of the containers are unknown.

Accordingly, Applicants respectfully submit that Nantel et al. taken alone, or in combination with the other prior art of record, fails to disclose or suggest the combination of method steps recited in amended independent claim 1 and the rejections should be withdrawn.

Moreover, as claims 2-5 depend from allowable independent claim 1, and further as each of these claims recites a combination of steps not taught or suggested by the prior art of record, Applicants submit that these claims are allowable as well.

As claims 6-9 have been canceled, the substantive rejections of these claims are now moot.

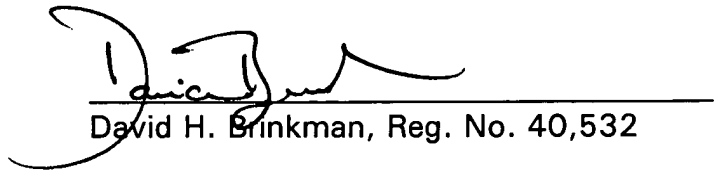
Conclusion

In view of the foregoing response including the amendments and remarks, this application is submitted to be in complete condition for allowance and early notice to this affect is earnestly solicited. If there is any issue that remains which may be resolved by telephone conference, the Examiner is invited to contact the undersigned in order to resolve the same and expedite the allowance of this application.

Applicants do not believe that this response requires that any fees be submitted, however, if any fees are deemed necessary, these may be charged to Deposit Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.



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